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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/527,442		03/17/2000	Thomas P. Jerussi	4821-369-999	3088
20582	7590	02/13/2002			
PENNIE &			EXAMINER		
1667 K STR SUITE 1000)		BARTS, SAMUEL A		
WASHINGTON, DC 20006				ART UNIT	PAPER NUMBER
				1621	11
			DATE MAILED: 02/13/2002	11	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application N .	Applicant(s)				
## Deficies Action Summary Examiner		•	r					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this COMMUNICATION. - Entersors of tone may be available used or the provisions of 37 CRR 1.136(a). In one event, however, may a raphy be timely fixed shift of the provision of 37 CRR 1.136(a). In one event, however, may a raphy be timely fixed of the communication of the shift of the		Office Action Summary						
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THE MAILING DATE OF THIS COMMUNICATION. Estimations or time may be available under the proteins of 37 CFR 1.35(a). In no event, however, may a mayby be timely filed after SIX (8) MONTHS from the mailing date of this communication. Failure to reply verified abone is less than think (70) days. A enably within the stakeboy minimum of think (8) days will be considered intoly. Failure to reply verified abone is less than think (70) days. A enably within the stakeboy minimum of think (8) days will be considered intoly. Failure to reply verified the state of the communication of communicati	Period for Reply							
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Election/Restrictions

- 1. Applicant traversal has been carefully considered. It is not found convincing. The determination of patentability of the pharmaceutical compositions is substantially different from the determination of patentability of the method claims. The examiner has done a preliminary search and found the compound O-desmethylvenlafaxine to be disclosed in the patent are earlier as 1985 (US4535186 A 19850813). The prosecution of the pharmaceutical composition claims and the method of use claims thus would be divergent and be a serious burden to the examiner.
- 2. The group elected by applicant (V) includes claims 27-59. The elected species was O-desmethylvenlafaxine. Upon further review the examiner feels that an additional election is required. Applicant is required to <u>elect a specific</u> <u>disorder</u> that is being treated with the elected species. The disorders in this group range from the treatment of pain, obesity, Parkinson, epilepsy, etc. These maladies are not recognized as being obvious over one another. Thus, Applicant is required to elect a single disclosed method, even though this requirement is traversed.

Should applicant traverse on the ground that the methods are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the methods to be obvious OR <u>CLEARLY ADMIT ON</u>

THE RECORD THAT THIS IS THE CASE. In either instance, if the examiner

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finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A Barts whose telephone number is 703-308-4630. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johan Richter can be reached on 308-1235. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Samuel A Barts Primary Examiner

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s.b.

February 11, 2002